

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
June 18, 2009
7:00 P.M.

1. Montgomery Township Committee met at the Municipal Building, 2261 Van Horne Road, Belle Mead, NJ at 7:00 p.m. on the above date. Those present were:

TOWNSHIP COMMITTEE: Mayor Wilson, Deputy Mayor Birge,
Committeemembers Fay and Dyer
Committeeman Caliguire arrived after Item #16

Also present were:

TOWNSHIP ATTORNEY - Kristina P. Hadinger, Esq.

TOWNSHIP ADMINISTRATOR - Donato Nieman

TEMPORARY CHIEF FINANCIAL OFFICER - Walter Sheppard

TOWNSHIP CLERK - Donna Kukla

2. Mayor Wilson stated the following: "Under the provisions of the Open Public Meetings Act, notice of the time and place of this meeting has been posted and sent to the officially designated newspapers."
3. Mayor Wilson led the Salute to the Flag.
4. Mayor Wilson asked for a moment of silence for former Mayor/Committeeman John Warms. She stated that he was one of the most patriotic people she knew. He was a remarkable person and will be greatly missed.

Mayor Wilson acknowledged that the Township Committee wants to do something to honor John's memory but would like to have a discussion with his family and the Township Committee about what an appropriate memorial would be. She'll reach out to them in a couple of weeks.

5. **POLICE REPORT**

Police Director Palmer reported on the following activities of the Police Department for the month of May, 2009:

- 52 criminal investigations
- 9 criminal mischief reports
- 9 domestic violence reports
- 8 thefts
- 1 burglary
- 83 burglar alarms responded to
- 1 adult CDS arrests
- 4 adult DUI arrests
- 15 other adult arrests
- 2 juvenal arrests for issues other than cd substances
- Total of arrests 22
- 63 motor ethics accidents
- Police conducted 298 motor vehicle stops of which 191 motor vehicle enforcement actions were taken
- 911 rang 348 times
- 1,140 calls for service

6. **PUBLIC COMMENT**

- 6-1 Mike Stachowicz, Robin Drive, asked why the windows on the bus shelters aren't getting cleaned. He also mentioned that the garbage can in front of the Shop Rite bus shelter is overflowing. He noted that there are more bus shelters on the east side of Route 206 and only one on the west side of the highway. Mayor Wilson stated that the Township is working with NJ Transit to get them to install bus shelters in front of Village Shopper and Princeton Airport.
- 6-2. Mr. Stachowicz remarked on how many vehicles make a left turn at the intersection of Route 206 and Princeton Road. Mayor Wilson agreed that too many drivers are still making left turns. The Township has asked NJDOT to stripe an arrow on the roadway to indicate straight and not left and to move the no left turn signs so the signs can be seen when drivers are in the intersection and preparing to turn.

7. **REPORT ON PROPOSED COMMUNITY GARDEN - Karen Zimmerman**

Karen Zimmerman, Recreation Director, reported that on May 13, members of the Community Garden working group toured potential sites for a community garden. The group consisted of Karen, Open Space Coordinator Lauren Wasilauski, Health Officer Stephanie Carey, Public Works Superintendent Art Villano, former Committeeman Maitland Van Nostrand, Open Space Chair Clem Fiori and some residents.

After sending out an e-bulletin to see if any residents were interested in a community garden, Karen received responses from 33 people.

The most promising site was near the dog park at the municipal building. The only drawback was that there is no existing water source but Public Works will put a water tank on a pickup truck for irrigation.

Mayor Wilson asked what the cost would be to the Township. Ms. Zimmerman stated she has received an offer of \$1,000.00 in funding from Montgomery Friends of Open Space and Maitland Van Nostrand will provide the initial rototilling to prepare the site. Fencing would be left to the individual gardener. There would be a nominal administrative fee but Public Works would have to line out the area and mow between the plots.

(Item #7. Cont.)

Mayor Wilson asked Ms. Zimmerman to research what it would really cost to offset the man hours provided by Public Works and other employees. Ms. Zimmerman will work out the cost and get back to Mr. Nieman with those figures.

8. **MOWER REQUEST - Art Villano**

Mr. Villano stated that he is down one employee, leaving an open position. He would not replace the position but would take the salary from the vacant position and use it to purchase a new mower. This new mower will increase efficiency with less manpower. An ordinance was previously adopted approving \$24,000 for a different mower. The new mower will cost \$42,000. The Committee agreed to the purchase providing the laborer position remains vacant.

9. **RESOLUTION #09-6-201 - OPPOSING CHRYSLER CORPORATION'S DECISION TO CLOSE BELLE MEAD GARAGE CHRYSLER DEALERSHIP, AND OTHER SMALL DEALERSHIPS**

WHEREAS, The Higgins family has owned and operated Belle Mead Garage, a Chrysler dealership, for three generations; and

WHEREAS, Chrysler Corporation has announced its intention to close many of its dealerships in an attempt to survive the economic downturn that has had a catastrophic effect on the auto industry and dealerships throughout the country; and

WHEREAS, Belle Mead Garage is the second oldest Chrysler dealership in the State of New Jersey, surviving through many other economic downturns because of exceptional management and service provided by the Higgins Family, who have earned a reputation as honorable, trustworthy and respectable business people, with legions of loyal customers; and

WHEREAS, Belle Mead Garage is a highly valued local business that is a landmark in historic Old Belle Mead, the northern gateway into Montgomery Township; and

WHEREAS, Belle Mead Garage is a model corporate citizen, sponsoring and generously supporting many community sports leagues and service organizations in Montgomery; and

WHEREAS, The members of the Township Committee are deeply troubled by the prospect of our community losing such a valuable and respected business.

NOW, THEREFORE, BE IT RESOLVED That the Township Committee of the Township of Montgomery calls on Chrysler Corporation to reconsider its decision to close its dealership at Belle Mead Garage; and

BE IT FURTHER RESOLVED That the Township Committee supports the effort of the New Jersey members of Congress, including our Congressman Leonard Lance and Congressmen Steve Rothman and Bill Pascrell, who are calling on President Obama to delay action on closing small dealerships, many of which are profitable and, like Belle Mead Garage, can help to sustain a loyal customer base for Chrysler products; and

BE IT FURTHER RESOLVED That the Township Committee urges President Obama and Chrysler Corporation to recognize the importance of sustaining viable small dealerships and the jobs they provide, and of enabling these dealerships to continue to provide the sales, promotional options and warranty service on Chrysler products; and

BE IT FURTHER RESOLVED That a copy of this resolution be provided to the New Jersey Congressional Delegation, the White House and Chrysler Corporation.

9-1. Deputy Mayor Birge moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Dyer and carried unanimously.

10. **HONORING EAGLE SCOUTS - Daniel Kohler Bilsky, Timothy P. Bueschen, Marcell A. Zimanyi and Gregory C. Ives**

WHEREAS, The prestigious rank of Eagle Scout with the Boy Scouts of America has been earned by Daniel Kohler Bilsky, Timothy P. Bueschen, Marcell A. Zimanyi and Gregory C. Ives; and

WHEREAS, The standards established for this honor are high and very difficult to achieve; and

WHEREAS, Those who have worked diligently to achieve this rank have exhibited excellence in leadership and a deep commitment to their community.

NOW, THEREFORE, BE IT RESOLVED That, with great pride, the Montgomery Township Committee congratulates Daniel Kohler Bilsky, Timothy P. Bueschen, Marcell A. Zimanyi and Gregory C. Ives on this remarkable achievement and extends its sincere wishes for continued success.

10-1. Deputy Mayor Birge moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Fay and carried unanimously.

11. **CONSENT AGENDA** - All matters listed hereunder are considered to be routine in nature and will be enacted in one motion. Any person may request that an item be removed for separate consideration.

A. **RESOLUTION #09-6-202 - REFUND OVERPAID 2008 AND 2009 TAXES**

BE IT RESOLVED That refunds be given to the following for the overpayment of 2008 and 2009 taxes:

Block	Lot	Name	Amount	Year
17001	6.11	Tedeschi, Paul Michael & Deborah A.	\$ 163.26	2008
5025	16.05CONDO	Wells Fargo Real Estate Tax Services	\$1,950.11	2009

(CONSENT AGENDA Cont.)

B. RESOLUTION #09-6-203 - REFUND OVERPAID 2009 SEWER CHARGES

BE IT RESOLVED That a refund in the amount of \$97.71 be given to First American, Refunds Unit DFW 4-3, 1 First American Way, Westlake, TX 76262 for the overpayment of 2009 sewer charges on Block 5005, Lot 15.

C. RESOLUTION #09-6-204 - ADJUSTMENT OF BILLING OF SEWER UTILITY CHARGES

WHEREAS, The following properties have filed an appeal for their sewer charges, and

WHEREAS, The Township Engineer has reviewed the appeal and investigated the appeal for each of the listed properties.

THEREFORE, BE IT RESOLVED, By the Township Committee of the Township of Montgomery, County of Somerset, State of New Jersey that the Tax Collector is hereby authorized to adjust the billing on the following properties as indicated:

<u>Block</u>	<u>Lot</u>	<u>Address</u>	<u>Decrease</u>
31001	58	10 Seminole Court	\$ 96.32
17006	13	19 Breckenridge Court	\$ 632.96
31009	25	6 Stone Mountain Court	\$ 481.60
7019	61.16	18 Hills Drive	\$ 385.28
5008	3	5 Goldenrod Drive	\$ 412.80
5024	16	29 Muirhead Court	\$ 605.44
7004	19	5 Ford Court	\$ 454.08
5024	8	5 Muirhead Court	\$ 240.80
7017	23	88 Berkley Avenue	\$1,465.44
5008	104	15 McElroy Lane	\$ 330.24

D. RESOLUTION #09-6-205 - PURSUANT TO N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948) - NPDC Smalley Theater

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special items of revenue in the budget of any County or Municipality when such item shall have been made by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, Said Director may also approve the insertion of any item of appropriation for an equal amount

NOW, THEREFORE, BE IT RESOLVED That the Township Committee of the Township of Montgomery hereby requests the director of the Division of Local Government Services to approve the insertion of items of revenue in the budget of the year 2009, in the amounts listed below, which item is now available as a revenue from the New Jersey Historic Trust;

New Jersey Historical Trust - NPDC Smalley Theater \$46,500.00
(Proposal 070627)

BE IT FURTHER RESOLVED That a like sum, be, and the same, hereby is appropriated under the above appropriation titles.

BE IT FURTHER RESOLVED That two copies of this document with handwritten ink signature of the Clerk on certification be forwarded to the Division of Local Government Services.

E. RESOLUTION #09-6-206 - RESOLUTION ADOPTING A SPECIAL TRAFFIC REGULATION, PURSUANT TO N.J.S.A. 39:4-197.3, CLOSING CERTAIN STREETS WITHIN SKILLMAN VILLAGE DUE TO A TEMPORARY CONDITION.

WHEREAS, The Township of Montgomery purchased property from the State of New Jersey known as Skillman Village, formerly known as the North Princeton Developmental Center, also known as Lot 1, Block 26001 and Lots 1 & 1.01, Block 27001 (Tax Assessment Maps rev. ed. 2008); and

WHEREAS, Within Skillman Village there is continuing environmental remediation, construction, and redevelopment, as well as the presence of buildings in an unsafe condition; and

WHEREAS, It is in the interests of the public safety, health, and welfare that certain streets within Skillman Village, to the extent they were ever opened for public passage, be temporarily closed to public passage during the continuing environmental remediation, construction, and redevelopment; and

WHEREAS, Pursuant to N.J.S.A. 39:4-197.3, the Township is authorized to adopt special traffic regulations, including regulations closing streets, in response to a temporary or emergent condition for a period not exceeding three (3) months; and

WHEREAS, Pursuant to N.J.S.A. 39:4-197.3 the Township is responsible for posting signs to inform the public of the temporary special traffic regulation; and

WHEREAS, Pursuant to N.J.S.A. 39:4-94.2, the Township has the authority to provide for penalties for the violation of a temporary street closing regulation.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery in Somerset County, New Jersey as follows:

(CONSENT AGENDA Item E. Cont.)

1. A temporary condition, within the meaning of *N.J.S.A.* 39:4-197.3, will exist within Skillman Village beginning on or about July 1, 2009, and ending on or about September 30, 2009, due to continuing environmental remediation, construction, and redevelopment.
2. To the extent any or all of the following streets within Skillman Village could be deemed to have ever been opened to public passage they shall be closed to public passage during the period between July 1, 2009, and September 30, 2009:
 - Brophy Circle - Lake (Lakeside) Drive - Morrow Road
 - Garrison Lane - Maplewood Drive - Strecker Road
 - Doctor's Row - Schley Drive - Industrial Road
 - Moosbrugger Way - Fairview Road - Wilson Drive
 - Association Drive - Green House Drive - Dungan Drive
 - Dodds Road
3. Signs notifying the public of the temporary street closings and barricades prohibiting public passage will be placed at the intersections for the above mentioned streets.
4. Any person found on any of the above streets without authorization from the Police Director or his designee during the period in which they are closed to the public shall be subject, in accordance with *N.J.S.A.* 39:4-94.2, to a fine of not more than \$100.00.
5. This regulation shall take effect upon final adoption and publication in accordance with the law.

F. RESOLUTION #09-6-207 - AUTHORIZING CHANGE ORDER #1 - NPDC Wastewater Treatment Plant Upgrade - Omni Environmental

WHEREAS, On August 7, 2008, a contract for the NPDC Wastewater Treatment Plant upgrade was awarded to Omni Environmental for Tasks 2 through 7; and

WHEREAS, The Township Engineer has requested the Committee's approval of a change order in connection with completion of the above project; and

WHEREAS, The work comprising Change Order No. 1 will result in a modification of the scope of the project, specifically, Task 6, Bidding Assistance should be changed to Task 6, New Jersey Environmental Infrastructure Trust (NJEIT) Assistance; and

WHEREAS, The Township Administrator has recommended approval of the change order; and

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that:

1. The attached Change Order No. 1 is hereby approved.
2. This Resolution, when counter-signed by Omni Environmental, shall serve as a contract amendment to the original contract for the purpose of modifying Task 6.

G. RESOLUTION #09-6-208 - AUTHORIZING SOLICITATION OF BIDS - Fairview Road Reconstruction Project - Phase I

WHEREAS, The Township of Montgomery seeks construction services for Fairview Road Reconstruction Project, Phase I; and

WHEREAS, The Township seeks to solicit bids from qualified contractors for this purpose in the manner set forth by the Local Public Contracts Law.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that the Township Purchasing Agent, in coordination with the Township Administrator and Township Engineer, is hereby authorized and directed to draft the necessary specifications and contract documents and advertise for the reconstruction of Fairview Road, Phase I.

H. RESOLUTION #09-6-209 - AUTHORIZATION TO SIGN SETTLEMENT AGREEMENT - MBS Development, LLC.

BE IT RESOLVED That the Mayor and Clerk are authorized to sign a settlement agreement, with respect to litigation entitled Township of Montgomery v. MBS Development, LLC, et al, bearing docket number SOM-L-1146-08 pending in the Superior Court, Somerset County, Law Division, and that the settlement is herewith approved.

I. RESOLUTION #09-6-210 - RELEASE OF PERFORMANCE GUARANTEE - Pike Run, LLC. - Phase XI (10-Plex Units)

WHEREAS, Gail Smith, Township Engineer, has certified on June 11, 2009 that all public improvements in a project known as Pike Run XI (10-Plex Units) have been completed in accordance with the approved plans and the code of the Township of Montgomery and therefore recommends that the Performance Guarantee be released.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that a performance guarantee in the amount of \$825,462.66 (Bond #0538533 in the amount of \$742,916.39 and \$82,546.27 cash) be released to Pike Run, LLC and a maintenance guarantee be posted as follows:

(CONSENT AGENDA Item I. Cont.)

Construction Cost Estimate	\$1,593,477.00
15% Maintenance Guarantee	\$ 239,021.55

BE IT FURTHER RESOLVED That upon the posting of a maintenance guarantee in the form and amount called for by this resolution and Section 16-9 of the Montgomery Township Code (1984) the following improvements shall be deemed accepted and the performance guarantee may be released:

Symes Drive - from the boundary line between Phase 9 and this Phase located approximately 500 feet north of Pike Run Road to and including the circular portion of the road and the small section of the road approximately 150 feet to Township Line Road.

The Township will not accept the detention basin improvements or the following private roads: Silcox Court, Stuphen Court, Scully Court, Swain Court or Sherman Court. The Homeowners Association will maintain the basins and private roads.

BE IT FURTHER RESOLVED That the effective date of acceptance of the improvements shall be the date the Township Attorney confirms in writing that the maintenance guarantee is in the proper amount and acceptable legal format.

BE IT FURTHER RESOLVED That the release of the Performance Guarantee shall also be conditioned upon the posting of adequate escrow funds.

11-1. Deputy Mayor Birge moved the adoption of the **CONSENT AGENDA**. The motions was seconded by Committeeman Fay and carried on the following"

ROLL CALL: Ayes - Fay, Dyer, Birge, Wilson
Nays - None
Absent - Caliguire

12. **RESOLUTION #09-6-211 - ABC LICENSE #1813-44-001-008 -NTS&K, Inc. (Towne Wine & Liquor)**

WHEREAS, Based on the following information regarding the renewal of ABC License #1813-44-001-008 for Towne Wine & Liquor:

- a. The submitted application form is complete in all aspects;
- b. The applicant is qualified to be licensed according to all standards established by the New Jersey Alcoholic Beverage Control Act, the regulations promulgated thereunder, as well as any pertinent local ordinances or division-approved conditions; and
- c. The applicant previously disclosed and the Township Committee from the authority previously reviewed the source of funds used in connection with the initial purchase of the license and licensed business and additional financing obtained in connection with the licensed business;
- d. No reports of violations have been filed by the Health Officer, Police Department and Fire Prevention Official.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that a renewal of Alcoholic Beverage Control License #1813-44-001-008 is hereby granted for the year 2009-2010.

12-1. Deputy Mayor Birge moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Fay and carried on the following:

ROLL CALL: Ayes - Fay, Dyer, Birge, Wilson
Nays - None
Absent - Caliguire

13. **RESOLUTION #09-6-212 - ABC LICENSE #1813-33-003-004 - Princeton Innkeepers, Inc. (Tiger's Tale)**

WHEREAS, Based on the following information regarding the renewal of ABC License #1813-33-003-004 for Tiger's Tale:

- a. The submitted application form is complete in all aspects;
- b. The applicant is qualified to be licensed according to all standards established by the New Jersey Alcoholic Beverage Control Act, the regulations promulgated thereunder, as well as any pertinent local ordinances or division-approved conditions; and
- c. The applicant previously disclosed and the Township Committee from the authority previously reviewed the source of funds used in connection with the initial purchase of the license and licensed business and additional financing obtained in connection with the licensed business;
- d. No reports of violations have been filed by the Health Officer, Police Department and Fire Prevention Official.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that a renewal of Alcoholic Beverage Control License #1813-33-003-004 is hereby granted for the year 2009-2010.

13-1. Committeeman Fay moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Dyer and carried on the following:

ROLL CALL: Ayes - Fay, Dyer, Birge, Wilson
Nays - None
Absent - Caliguire

14. RESOLUTION #09-6-213 - ABC LICENSE #1813-31-004-001 - Bedens Brook Country Club

WHEREAS, Based on the following information regarding the renewal of ABC License #1813-31-004-001 for Bedens Brook Country Club:

- a. The submitted application form is complete in all respects, including the submission of the club member list;
- b. The applicant is qualified to be licensed according to all standards established by the New Jersey Alcoholic Beverage Control Act, the regulations promulgated thereunder, as well as any pertinent local ordinances or division-approved conditions; and
- c. The club maintains all records required by N.J.A.C. 13:2-8.8 (special events open to non-club members) and N.J.A.C. 13:2-8.12 (true books of account for receipts and disbursement);
- d. No reports of violations have been filed by the Health Officer, Police Department and Fire Prevention Official.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that a renewal of Alcoholic Beverage Control License #1813-31-004-001 is hereby granted for the year 2009-2010.

14-1. Committeeman Fay moved the adoption of the foregoing resolution. The motion was seconded by Deputy Mayor Birge and carried on the following:

ROLL CALL: Ayes - Fay, Dyer, Birge, Wilson
Nays - None
Absent - Caliguire

15. RESOLUTION #09-6-214 - ABC LICENSE #1813-31-006-001 - Montgomery Tennis Patrons Association (Nassau Racquet & Tennis Club)

WHEREAS, Based on the following information regarding the renewal of ABC License #1813-31-006-001 for Nassau Racquet & Tennis Club

- a. The submitted application form is complete in all respects, including the submission of the club member list;
- b. The applicant is qualified to be licensed according to all standards established by the New Jersey Alcoholic Beverage Control Act, the regulations promulgated thereunder, as well as any pertinent local ordinances or division-approved conditions; and
- c. The club maintains all records required by N.J.A.C. 13:2-8.8 (special events open to non-club members) and N.J.A.C. 13:2-8.12 (true books of account for receipts and disbursement);
- d. No reports of violations have been filed by the Health Officer, Police Department and Fire Prevention Official.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that a renewal of Alcoholic Beverage Control License #1813-31-006-001 is hereby granted for the year 2009-2010.

15-1. Deputy Mayor Birge moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Dyer and carried on the following:

ROLL CALL: Ayes - Dyer, Birge, Wilson
Nays - None
Abstain - Fay
Absent - Caliguire

16. RESOLUTION #09-6-215 - ABC LICENSE #1813-31-008-001 - Cherry Valley Country Club

WHEREAS, Based on the following information regarding the renewal of ABC License #1813-31-008-001 for Cherry Valley Country Club:

- a. The submitted application form is complete in all respects, including the submission of the club member list;
- b. The applicant is qualified to be licensed according to all standards established by the New Jersey Alcoholic Beverage Control Act, the regulations promulgated thereunder, as well as any pertinent local ordinances or division-approved conditions; and
- c. The club maintains all records required by N.J.A.C. 13:2-8.8 (special events open to non-club members) and N.J.A.C. 13:2-8.12 (true books of account for receipts and disbursement);
- d. No reports of violations have been filed by the Health Officer, Police Department and Fire Prevention Official.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that a renewal of Alcoholic Beverage Control License #1813-31-008-001 is hereby granted for the year 2009-2010.

16-1. Deputy Mayor Birge moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Dyer and carried on the following:

ROLL CALL: Ayes - Fay, Dyer, Birge, Wilson
Nays - None
Absent - Caliguire

17. Committeeman Caliguire arrived and joined the dais.

18. **RESOLUTION #09-6-216 - ABC LICENSE #1813-44-010-001 -**
Yasotha Thillainathan

WHEREAS, Based on the following information regarding the renewal of ABC License #1813-44-010-001 for Yasotha Thillainathan:

- a. The submitted application form is complete in all aspects;
- b. The applicant is qualified to be licensed according to all standards established by the New Jersey Alcoholic Beverage Control Act, the regulations promulgated thereunder, as well as any pertinent local ordinances or division-approved conditions; and
- c. The applicant previously disclosed and the Township Committee from the authority previously reviewed the source of funds used in connection with the initial purchase of the license and licensed business and additional financing obtained in connection with the licensed business;
- d. No reports of violations have been filed by the Health Officer, Police Department and Fire Prevention Official.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that a renewal of Alcoholic Beverage Control License #1813-44-010-001 is hereby granted for the year 2009-2010.

18-1. Deputy Mayor Birge moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Dyer and carried on the following:

ROLL CALL: Ayes - Caliguire, Fay, Dyer, Birge, Wilson
Nays - None

19. **ORDINANCE #09-1317 - PEDDLING AND SOLICITING AND SIGNAGE (LDO) - Public Hearing**

A. Mayor Wilson read the title of the ordinance as follows:

AN ORDINANCE AMENDING IN ITS ENTIRETY CHAPTER IV GENERAL LICENSING," SECTION 4-1 "PEDDLING, SOLICITING AND RELATED ACTIVITIES" AND AMENDING AND SUPPLEMENTING CHAPTER XVI "LAND DEVELOPMENT, SUBSECTION 16-5.13 "SIGNS" OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984)

B. The Clerk read the following report from the Planning Board:

"On June 8, 2009, the Planning Board reviewed the above referenced ordinance. The Board recommended adoption."

C. Mayor Wilson opened the hearing to the public. There being no comment, Committeeman Fay moved that the public hearing be closed. The motion was seconded by Deputy Mayor Birge and carried unanimously.

D. BE IT RESOLVED By the Montgomery Township Committee that the foregoing ordinance be hereby adopted this 18th day of June, 2009 and that notice thereof be published in an official newspaper as required by law.

19-1. Committeeman Fay moved the adoption of the foregoing resolution. The motion was seconded by Deputy Mayor Birge and carried on the following:

ROLL CALL: Ayes - Caliguire, Fay, Dyer, Birge, Wilson
Nays - None

20. **ORDINANCE #09-1320 - BOND - Upgrade and Expansion of the Existing Pike Brook Wastewater Treatment Plant - Public Hearing**

A. Mayor Wilson read the title of the ordinance as follows:

BOND ORDINANCE PROVIDING FOR THE UPGRADE AND EXPANSION OF THE EXISTING PIKE BROOK WASTEWATER TREATMENT PLANT IN AND BY THE TOWNSHIP OF MONTGOMERY, IN THE COUNTY OF SOMERSET, NEW JERSEY, APPROPRIATING \$19,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$19,000,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

B. Mayor Wilson opened the hearing to the public. There being no comment, Committeeman Fay moved that the public hearing be closed. The motion was seconded by Deputy Mayor Birge and carried unanimously.

C. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 18th day of June, 2009 and that the ordinance and proper 20-day statement be published in an official newspaper as required by law.

20-1. Deputy Mayor Birge moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Fay and carried on the following:

ROLL CALL: Ayes - Caliguire, Fay, Dyer, Birge, Wilson
Nays - None

21. **ORDINANCE #09-1321 - BOND - Skillman Village Wastewater Treatment Plant Upgrade Project - Public Hearing**

A. Mayor Wilson read the title of the ordinance as follows:

BOND ORDINANCE PROVIDING FOR THE SKILLMAN VILLAGE WASTEWATER TREATMENT PLANT UPGRADE PROJECT IN AND BY THE TOWNSHIP OF MONTGOMERY, IN THE COUNTY OF SOMERSET, NEW JERSEY, APPROPRIATING \$16,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$16,000,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

B. Mayor Wilson opened the hearing to the public. There being no comment, Committeeman Fay moved that the public hearing be closed. The motion was seconded by Deputy Mayor Birge and carried unanimously.

C. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 18th day of June, 2009 and that the ordinance and proper 20-day statement be published in an official newspaper as required by law.

21-1. Committeeman Fay moved the adoption of the foregoing resolution. The motion was seconded by Deputy Mayor Birge and carried on the following:

ROLL CALL: Ayes - Caliguire, Fay, Dyer, Birge, Wilson
Nays - None

22. **ORDINANCE #09-1322 - Accepting Deed of Conservation Easement; Easement Subordination Agreement; Transco - Public Hearing**

A. Mayor Wilson read the title of the ordinance as follows:

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY IN SOMERSET COUNTY, NEW JERSEY, ACCEPTING A DEED OF CONSERVATION EASEMENT FROM PRINCETON RESEARCH LAND, INC. AS REPLACEMENT LAND CONCERNING THE TRANSCONTINENTAL GAS PIPELINE CORPORATION (TRANSCO) EXPANSION PROJECT (BLOCK 1001, P/O LOT 42); AND AUTHORIZING THE EXECUTION OF AN EASEMENT SUBORDINATION AGREEMENT WITH TRANSCO AS TO AN EXISTING TOWNSHIP CONSERVATION EASEMENT (BLOCK 4001, P/O LOTS 10.01 AND 10.03)

B. Mayor Wilson opened the hearing to the public. There being no comment, Committeeman Fay moved that the public hearing be closed. The motion was seconded by Deputy Mayor Birge and carried unanimously.

C. BE IT RESOLVED By the Montgomery Township Committee that the foregoing ordinance be hereby adopted this 18th day of June, 2009 and that notice thereof be published in an official newspaper as required by law.

22-1. Committeeman Fay moved the adoption of the foregoing resolution. The motion was seconded by Deputy Mayor Birge and carried on the following:

ROLL CALL: Ayes - Caliguire, Fay, Dyer, Birge, Wilson
Nays - None

23. **ORDINANCE #09-1323 - Main Boulevard and Larocque Circle Speed Limits - Public Hearing**

A. Mayor Wilson read the title of the ordinance as follows:

AN ORDINANCE AMENDING CHAPTER VII ENTITLED "TRAFFIC" OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984) TO ESTABLISH SPEED LIMITS ON MAIN BOULEVARD AND LAROCQUE CIRCLE

B. Mayor Wilson opened the hearing to the public. There being no comment, Committeeman Fay moved that the public hearing be closed. The motion was seconded by Committeewoman Dyer and carried unanimously.

C. BE IT RESOLVED By the Montgomery Township Committee that the foregoing ordinance be hereby adopted this 18th day of June, 2009 and that notice thereof be published in an official newspaper as required by law.

23-1. Committeeman Fay moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Dyer and carried on the following:

ROLL CALL: Ayes - Caliguire, Fay, Dyer, Birge, Wilson
Nays - None

24. ORDINANCE #09-1324 - Grant of Easement to PSE&G Company; Skillman Village - Introduction

A. Mayor Wilson read the title of the ordinance as follows:

AN ORDINANCE AUTHORIZING THE GRANTING OF A VARIABLE WIDTH UTILITY EASEMENT OVER A PORTION OF LOT 7.02 IN BLOCK 27001 BY THE TOWNSHIP OF MONTGOMERY IN SOMERSET COUNTY TO THE PUBLIC SERVICE ELECTRIC & GAS COMPANY; SKILLMAN VILLAGE

B. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby passed on first reading and that the same be published in an official newspaper as required by law together with a Notice of Pending Ordinance fixing July 1, 2009 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

24-1. Committeeman Caliguire moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Fay and carried on the following:

ROLL CALL: Ayes - Caliguire, Fay, Dyer, Birge, Wilson
Nays - None

25. ORDINANCE #09-1325 - School Zone Speed Limits - Introduction

A. Mayor Wilson read the title of the ordinance as follows:

AN ORDINANCE AMENDING CHAPTER VII ENTITLED "TRAFFIC" OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984) TO ESTABLISH SPEED LIMITS ON MAIN BOULEVARD AND LAROCQUE CIRCLE AND TO ESTABLISH SCHOOL ZONE SPEED LIMITS ON BURNT HILL ROAD, MAIN BOULEVARD, AND ORCHARD ROAD.

B. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby passed on first reading and that the same be published in an official newspaper as required by law together with a Notice of Pending Ordinance fixing July 1, 2009 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

25-1. Committeeman Fay moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Dyer and carried on the following:

ROLL CALL: Ayes - Caliguire, Fay, Dyer, Birge, Wilson
Nays - None

26. ORDINANCE #09-1326 - BOND - Fairview Road Reconstruction Project (Phase I) - Introduction

A. Mayor Wilson read the title of the ordinance as follows:

BOND ORDINANCE OF THE TOWNSHIP OF MONTGOMERY, IN THE COUNTY OF SOMERSET, NEW JERSEY, PROVIDING FOR THE FAIRVIEW ROAD RECONSTRUCTION PROJECT (PHASE I), APPROPRIATING \$525,000 THEREFOR, INCLUDING \$150,000 EXPECTED TO BE RECEIVED BY THE TOWNSHIP OF MONTGOMERY AS A NEW JERSEY DEPARTMENT OF TRANSPORTATION GRANT, AND AUTHORIZING THE ISSUANCE OF \$525,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE COST THEREOF.

B. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby passed on first reading and that the same be published in an official newspaper as required by law together with a Notice of Pending Ordinance fixing July 1, 2009 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

26-1. Committeeman Fay moved the adoption of the foregoing resolution. The motion was seconded by Deputy Mayor Birge and carried on the following:

ROLL CALL: Ayes - Caliguire, Fay, Dyer, Birge, Wilson
Nays - None

27. APPROVAL OF MINUTES

Committeeman Fay moved the adoption of the Regular Session minutes of April 2, 2009. the motion was seconded by Committeeman Caliguire and carried on the following.

ROLL CALL: Ayes - Caliguire, Fay, Dyer, Wilson
Nays - None
Abstain - Birge

28. **PAYMENT OF BILLS - Posted**

WHEREAS, The Township Committee of the Township of Montgomery has received bills to be paid as listed; and

WHEREAS, The Temporary Chief Financial Officer and the Township Administrator have reviewed these bills and have certified that these bills represent goods and/or services received by the Township, that these are authorized and budgeted expenditures and that sufficient funds are available to pay these bills.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery as follows:

1. That these bills are hereby authorized for payment; and
2. That checks in the proper amounts are prepared and that necessary bookkeeping entries are made; and
3. That the proper Township Officials are authorized to sign the checks.

28-1. Committeeman Caliguire moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Dyer and carried on the following:

ROLL CALL: Ayes - Caliguire, Fay, Dyer, Birge, Wilson
Nays - None
Abstain - Fay for Check #050867

29. **ROAD CLOSURES**

Mr. Nieman reported on the following upcoming road closures:

- Spring Hill Road - June 19 to September 30. Detour signs will be set up for thru traffic but the road will not be closed to local traffic
- Dead Tree Run Road - July to August 20.

30. **WARNER PARK**

Mike Stachowicz asked about the status of the Warner Park 99-year lease. Attorney Hadinger explained that the lease was lost because the Township did not make the required improvements.

31. **RESOLUTION TO CLOSE MEETING TO THE PUBLIC**

BE IT RESOLVED by the Township Committee of the Township of Montgomery in Somerset County, New Jersey as follows:

1. The Township Committee will now convene in a closed session that will be limited only to consideration of items with respect to which the public may be excluded pursuant to Section 7B of the Open Public Meetings Act.
2. The general nature of the subjects to be discussed in this session is as follows:
 - Negotiation of terms and conditions of Somerset County discussions regarding Skillman Village.
3. It is unknown precisely when the matters discussed in this session will be disclosed to the public. Approval of agreements shall only be authorized by the Township Committee in a public session.

31-1. Committeeman Fay moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Caliguire and carried unanimously.

32. The meeting reconvened in open session and adjournment was at 9:05 p.m. on a motion by Deputy Mayor Birge. The motion was seconded by Committeeman Fay and carried unanimously.

Date of Approval:

Donna Kukla, Township Clerk